3/18/72

Mr. Julian Goodman, President
National Broadcasting Company
Rockefeller Center
New York, N.Y.

Dear Mr. Goodman,

Doubleday is about to bring out a book titled "An American Death", represented as a study of the assassination of Dr. Martin Luther King, Jr., and saying that James Earl Ray was the lone assassin. Beginning with a six-figure advance to the author, Gerold Frank, and including extraordinary advance book-club offerings, this commercial project cannot succeed without the unpaid use of the electronic media, meaning the people air. It presents one, the official side, of a number of questions of national interest on which NBC has already refused to present the other side and has, extensively, presented this official side in the past. One of your licensees, for example, after presenting William Bradford Huie in a view indistinguishable from Frank's, refused to permit me to air the other side.

Aside from the questions of fact, such as is the crime solved, did Ray commit the crime, there are other issues of national importance that daily assume greater significance in our troubled society. There is the broad question of justice in spectacular crimes, did the system of justice work in this case; can an unpopular defendant get justice when faced with a determined prosecution dominated by political considerations and, in reality, taken over by the federal government; can or does the commercialization of such crimes by those of financial and literary interests prevent justice and frustrate the normal workings of the law; can defense counsel be dependent upon this commercial interest and not be hopelessly ridden by an irreconcilable conflict of interest (the literary property vaporizing at any trial, which makes everything there adduced public domain); can society and its system of justice survive what amounts to a conspiracy to prevent a trial, a special form of plea-bargaining; can a judge violate the standards of the bar with impunity and preside over this plea-bargaining and dictate the terms of the agreement and the sentence prior to the case reaching him in open court; can the federal government intrude itself into a purely state crime without subverting the law and justice; can and should defense counsel first threaten the death of the defendant and then bribe him into silence, especially in a crime of this nature and with its consequences, the greatest cost in damage in our history being but one; and many, many others, I shall be glad to detail to you on request. I think these are more than enough to show the relevance of FCC regulations to this case.

There is also the question of the rights of the accused, defamation of him to which he cannot reply, and, whether or not it is NBC's intent, propaganda against and intrusion into his efforts to obtain a full, open and public trial, something there has not been in this case. This cannot but be adversely affected by presentation of Frank's partisan views. Ray is in jail and cannot defend himself. Even if this were not the case, because of pending legal appeals it is impossible. He has read my published version of the crime and the functioning of society in it, the book FRAME-UP which NBC and its licensees refused to present to its audience and the only study on that side of this case and these issues, and he has authorized me to ask for equal time of you in his name and in his defense. He has denied being the assassin and Mr. Frank says he was the lone assassin. He has never admitted being the assassin. There is no possibility of personal profit to me in this, although that is irrelevant, because my study is a year old and not to my knowledge in any bookstore.

For all of its extensive facilities and with the unquestionable competence of its professional staff, the complexities of this case are such that adequate understanding may well be denied NBC. It cannot, for example, use its own personnel to present the other side on all the many issues involved or in defense of the rights of Mr. Ray. Acquiring command of the fact required in itself makes this impossible. Thus, in my view, with the best of intentions in the world NBC cannot air Mr. Frank and meet its obligations as the FCC has interpreted them without the presentation of an expert on the side opposite Mr. Frank's, of whom I am the only one. In the past NBC has refused to present what I may call "my" side on all these issues, ranging downward from such net shows as "Today" to local licensees. Thus it would seem that the same standards should be applied to the elaborately-orchestrated presentation of the official version represented by Mr. Frank and his book.

I realize it is unusual to make a request like this prior to the airing of Mr. Frank. But I hope you also realize that once he is aired without simultaneous presentation of the other side, it is not possible for the view and representation of fact other than his to catch up with what he will have to say to defend his work and sell it or to reach the same audience. I suggest that raising this with you in advance of airing provides you with the opportunity to meet your obligations more fully and fairly.

With the precedent it has set of refusing to air me, the only expert on my or Ray's side, I think it would be wrong for NBC now to air Mr. Frank and the official view which has been presented extensively and exclusively. But if NBC decides to again air the one side of this case, I do think it should simultaneously present the other side, which I alone am competent to do, being the only one who has done the requisite work and investigation. Thus I ask of you that should NBC present Mr. Frank in any way, it make it possible for me to appear in confrontation so that the people may have both sides simultaneously.

There is no possibility of gain for me in this, as there is for Mr. Frank. I recognize that I may be helping him financially where the same is not possible for me. But I think the over-riding issue is the access of the people on their air to all sides of the many questions and issues of national importance that are, inevitably and inextricably, involved in any airing of any aspect of the overall subject.

I do hope you will agree with me.

Sincerely,

Harold Weisberg